

FILED ELECTRONICALLY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RENEE MIHALIK,

Plaintiff,

– against –

CREDIT AGRICOLE CHEUVREUX
NORTH AMERICA, INC.,

Defendant.

Index No.: 09-CV-01251 (DAB)

**DECLARATION OF
BARBARA M. ROTH**

BARBARA M. ROTH declares as follows:

1. I am a partner in the law firm Hogan Lovells US LLP, attorneys for Defendant Credit Agricole Cheuvreux North America, Inc. (“Cheuvreux”) in the above-captioned action. I submit this declaration in support of Cheuvreux’s motion for summary judgment. I have personal knowledge of the facts and circumstances stated herein.
2. Annexed hereto as Exhibit 1 is a true and correct copy of the Verified Complaint submitted in this action.
3. Annexed hereto as Exhibit 2 is a true and correct copy of the Answer submitted in this action.
4. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts of the deposition of Plaintiff Renee Mihalik, taken on February 1, 2010.
5. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts of the deposition of Altan Yenicay, taken on May 19, 2010.
6. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts of the deposition of David Zack, taken on June 14, 2010.

7. Annexed hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition of Ian Peacock, taken on June 16, 2010.

8. Annexed hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition of Mark Powers, taken on June 29, 2010.

9. Annexed hereto as Exhibit 8 is a true and correct copy of excerpts of the Rule 30(b)(6) deposition of Citigroup by Tracy Platt Beach, taken on July 16, 2010 and September 17, 2010.

10. In the course of discovery, Cheuvreux collected documents from its files. Copies of all responsive and non-privileged documents were produced to Plaintiff.

11. Annexed hereto as Exhibit 9 is a true and correct copy of Plaintiff's trip report, dated 4/2/2008, which was produced to Plaintiff during discovery and bears the production number DEF000000009.

12. Annexed hereto as Exhibit 10 is a true and correct copy Plaintiff's commissions report, which was produced to Plaintiff during discovery and bears the production numbers DEF000000012 - DEF000000014. This document was also marked as Defendant's Deposition Exhibit 3 at the Deposition of Plaintiff, taken on February 1, 2010.

13. Annexed hereto as Exhibit 11 is a true and correct copy of a log of Plaintiff's incoming and outgoing telephone calls on her Cheuvreux telephone line for the period of March 24, 2008 to April 1, 2008, which was produced to Plaintiff during discovery and bears the production numbers DEF000000021 - DEF000000022.

14. In the course of discovery, Cheuvreux conducted searches of its email servers and computer systems, and collected emails, computer files and other electronically-stored

information. A copy of all responsive and non-privileged electronic materials was produced to Plaintiff.

15. Annexed hereto as Exhibit 12 is a true and correct copy of an email between Plaintiff and Ian Peacock, Jerry Lees, Malcolm Ford, Matthew McClean, Boris Komljenovic, Jonathan Carp, Ian Hunt, Ludovic Blanquet, Wakim Najjar, dated 1/30/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00000034 - DEF00000037. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

16. Annexed hereto as Exhibit 13 is a true and correct copy of an email between Ian Peacock and Plaintiff, dated 3/20/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00000127 - DEF00000135. This document was also marked as Defendant's Deposition Exhibit 6 at the Deposition of Plaintiff, taken on February 1, 2010.

17. Annexed hereto as Exhibit 14 is a true and correct copy of an email chain between Melissa Crilley and Ian Peacock, dated 1/28/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00000151 - DEF00000152. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

18. Annexed hereto as Exhibit 15 is a true and correct copy of an email between Plaintiff and Melissa Crilley, dated 9/18/2007, which was produced to Plaintiff during discovery and bears the production number DEF00000824.

19. Annexed hereto as Exhibit 16 is a true and correct copy of an email chain between Gary Rosenbach and Plaintiff, dated 9/24/2007, which was produced to Plaintiff during discovery and bears the production number DEF00000865.

20. Annexed hereto as Exhibit 17 is a true and correct copy of an email chain between Greg Solometo and Plaintiff, dated 3/5/2008, which was produced to Plaintiff during discovery and bears the production number DEF00002084.

21. Annexed hereto as Exhibit 18 is a true and correct copy of an email chain between Gregory Solometo and Plaintiff, dated 11/30/2007, which was produced to Plaintiff during discovery and bears the production number DEF00001195.

22. Annexed hereto as Exhibit 19 is a true and correct copy of an email chain between Malcolm Ford and Plaintiff, dated 1/11/2008, which was produced to Plaintiff during discovery and bears the production number DEF00001536. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

23. Annexed hereto as Exhibit 20 is a true and correct copy of an email chain between Jeffrey C. Tanner and Plaintiff, dated 8/17/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00001539 - DEF00001540.

24. Annexed hereto as Exhibit 21 is a true and correct copy of an email between Plaintiff and Altan Yenicay, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00001818 - DEF00001819. This document was also marked as Defendant's Deposition Exhibit 28 at the Deposition of Plaintiff, taken on February 1, 2010.

25. Annexed hereto as Exhibit 22 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 10/3/2007, which was produced to Plaintiff during discovery and bears the production number DEF00002227. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

26. Annexed hereto as Exhibit 23 is a true and correct copy of an email between Plaintiff and Tom Sullivan, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00002525 - DEF00002526.

27. Annexed hereto as Exhibit 24 is a true and correct copy of an email chain between Plaintiff and Clifford Titus, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00002538 - DEF00002539.

28. Annexed hereto as Exhibit 25 is a true and correct copy of an email chain between Plaintiff and Terry Flynn, dated 11/26/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00002818.

29. Annexed hereto as Exhibit 26 is a true and correct copy of an email chain between Katarina Bouzalis and Plaintiff, dated 9/11/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00002951 - DEF00002953. This document was also marked as Yenicyay Deposition Exhibit 9 at the Deposition of Altan Yenicyay, taken on May 19, 2010.

30. Annexed hereto as Exhibit 27 is a true and correct copy of an email chain between Ian Peacock and Plaintiff, dated 10/17/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00003404 - DEF00003405.

31. Annexed hereto as Exhibit 28 is a true and correct copy of an email chain between Plaintiff and Malcolm Ford, dated 1/14/2008, which was produced to Plaintiff during discovery and bears the production number DEF00003502. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

32. Annexed hereto as Exhibit 29 is a true and correct copy of an email chain between Plaintiff and Patrick Egan, dated 11/29/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00003988 - DEF00003989.

33. Annexed hereto as Exhibit 30 is a true and correct copy of an email chain between Ian Peacock and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004293.

34. Annexed hereto as Exhibit 31 is a true and correct copy of an email chain between David N. Shapiro and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00004380 - DEF00004382.

35. Annexed hereto as Exhibit 32 is a true and correct copy of an email chain between Chris Anderson and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00004385 - DEF00004387.

36. Annexed hereto as Exhibit 33 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 3/20/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004475. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

37. Annexed hereto as Exhibit 34 is a true and correct copy of an email chain between Plaintiff and Dominic Romano, dated 8/9/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00004485 - DEF00004487.

38. Annexed hereto as Exhibit 35 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 8/9/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00004515 - DEF00004516.

39. Annexed hereto as Exhibit 36 is a true and correct copy of an email chain between Douglas Erb and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004580.

40. Annexed hereto as Exhibit 37 is a true and correct copy of an email chain between Plaintiff and Brian Nathan, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004602.

41. Annexed hereto as Exhibit 38 is a true and correct copy of an email chain between Patrick Egan and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00004628 - DEF00004630.

42. Annexed hereto as Exhibit 39 is a true and correct copy of an email chain between Plaintiff and Douglas Erb, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004631.

43. Annexed hereto as Exhibit 40 is a true and correct copy of an email chain between Plaintiff and Gregory Solometo, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004635.

44. Annexed hereto as Exhibit 41 is a true and correct copy of an email between Plaintiff and Timothy Randall, dated 1/30/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004684. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

45. Annexed hereto as Exhibit 42 is a true and correct copy of an email chain between Altan Yenicay and Plaintiff, dated 4/3/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004815.

46. Annexed hereto as Exhibit 43 is a true and correct copy of an email between Plaintiff and Joe Rundle, dated 1/30/2008, which was produced to Plaintiff during discovery and bears the production number DEF00004980. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

47. Annexed hereto as Exhibit 44 is a true and correct copy of an email chain between Plaintiff and Sarah Port, dated 7/30/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00005004 - DEF00005006.

48. Annexed hereto as Exhibit 45 is a true and correct copy of an email chain between Plaintiff and Cecile Gilbeau, dated 7/30/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00005202 - DEF00005204.

49. Annexed hereto as Exhibit 46 is a true and correct copy of an email chain between Plaintiff and Terry Flynn, dated 8/3/2007, which was produced to Plaintiff during discovery and bears the production number DEF00005330.

50. Annexed hereto as Exhibit 47 is a true and correct copy of an email chain between Plaintiff and Boris Komljenovic, dated 1/24/2008, which was produced to Plaintiff during discovery and bears the production number DEF00005454. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

51. Annexed hereto as Exhibit 48 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 8/10/2007, which was produced to Plaintiff during discovery and bears the production number DEF00005523.

52. Annexed hereto as Exhibit 49 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 8/10/2007, which was produced to Plaintiff during discovery and bears the production number DEF00005539.

53. Annexed hereto as Exhibit 50 is a true and correct copy of an email between Plaintiff and Richard Baumann, dated, which was produced to Plaintiff during discovery and bears the production numbers DEF00005907 - DEF00005908.

54. Annexed hereto as Exhibit 51 is a true and correct copy of an email chain between Plaintiff and Matthew McClean, dated 8/14/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00005972 - DEF00005973.

55. Annexed hereto as Exhibit 52 is a true and correct copy of an email chain between Plaintiff and Robert Macchi, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006057 - DEF00006062.

56. Annexed hereto as Exhibit 53 is a true and correct copy of an email chain between Cliff Titus and Plaintiff, dated 3/14/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006107.

57. Annexed hereto as Exhibit 54 is a true and correct copy of an email chain between Plaintiff and Patrick Egan, dated 10/30/2007, which was produced to Plaintiff during discovery and bears the production number DEF00006135.

58. Annexed hereto as Exhibit 55 is a true and correct copy of an email between Plaintiff and Robert Macchi, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006177 - DEF00006182.

59. Annexed hereto as Exhibit 56 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 10/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006197 - DEF00006199.

60. Annexed hereto as Exhibit 57 is a true and correct copy of an email chain between Plaintiff and Robert Macchi, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production number DEF00006316.

61. Annexed hereto as Exhibit 58 is a true and correct copy of an email chain between Gerry Domanski and Plaintiff, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006434 - DEF00006436.

62. Annexed hereto as Exhibit 59 is a true and correct copy of an email chain between Plaintiff and Melissa Crilley, dated 8/14/2007, which was produced to Plaintiff during discovery and bears the production number DEF00006445.

63. Annexed hereto as Exhibit 60 is a true and correct copy of an email chain between Simon Bradley and Plaintiff, dated 10/3/2007, which was produced to Plaintiff during discovery and bears the production number DEF00006458.

64. Annexed hereto as Exhibit 61 is a true and correct copy of an email chain between Plaintiff and Gregory Solometo, dated 1/9/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006466 - DEF00006467.

65. Annexed hereto as Exhibit 62 is a true and correct copy of an email chain between Ian Peacock and Jerry Lees, with copies to Ian Peacock and Jonathan Carp, dated 1/7/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006505 - DEF00006506. This document was also marked as Defendant's Deposition Exhibit 19 at the Deposition of Plaintiff, taken on February 1, 2010.

66. Annexed hereto as Exhibit 63 is a true and correct copy of an email chain between Plaintiff and Richard Baumann, dated 12/21/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006511 - DEF00006513.

67. Annexed hereto as Exhibit 64 is a true and correct copy of an email chain between Plaintiff and David N. Shapiro, dated 4/9/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006520 - DEF00006531.

68. Annexed hereto as Exhibit 65 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 8/14/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006569 - DEF00006570. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

69. Annexed hereto as Exhibit 66 is a true and correct copy of an email chain between Ian Peacock and Dominic Romano and Timothy Randall, dated 9/5/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006571 - DEF00006572. This document was also marked as Yenicy Deposition Exhibit 8 at the Deposition of Altan Yenicy, taken on May 19, 2010.

70. Annexed hereto as Exhibit 67 is a true and correct copy of an email chain between Plaintiff and Adam Hartzell, dated 8/23/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006573 - DEF00006580.

71. Annexed hereto as Exhibit 68 is a true and correct copy of an email chain between Plaintiff and Richard Baumann, dated 1/3/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006581.

72. Annexed hereto as Exhibit 69 is a true and correct copy of an email chain between Plaintiff and Frank Boer, dated 8/6/2007, which was produced to Plaintiff during discovery and bears the production number DEF00006615.

73. Annexed hereto as Exhibit 70 is a true and correct copy of an email chain between Ian Peacock and Dominic Romano and Plaintiff, dated 8/8/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00006640 - DEF00006642.

74. Annexed hereto as Exhibit 71 is a true and correct copy of an email chain between Ian Peacock and Melissa Crilley, dated 1/3/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006643. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

75. Annexed hereto as Exhibit 72 is a true and correct copy of an email between Plaintiff and Plaintiff, dated 3/25/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006696 - DEF00006697.

76. Annexed hereto as Exhibit 73 is a true and correct copy of an email chain between David N. Shapiro and Plaintiff, dated 4/9/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006738 - DEF00006746.

77. Annexed hereto as Exhibit 74 is a true and correct copy of an email chain between Jonathan Carp and Ian Peacock, dated 1/15/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006771. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

78. Annexed hereto as Exhibit 75 is a true and correct copy of an email chain between Jonathan Carp and Ian Peacock, dated 1/15/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006771. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

79. Annexed hereto as Exhibit 76 is a true and correct copy of an email between Plaintiff and Jonathan Carp, dated 1/30/2008, which was produced to Plaintiff during discovery and bears the production number DEF00006773. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

80. Annexed hereto as Exhibit 77 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 1/30/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00006776 - DEF00006777.

81. Annexed hereto as Exhibit 78 is a true and correct copy of an email chain between Plaintiff and Boris Komljenovic, dated 2/26/2008, which was produced to Plaintiff during discovery and bears the production number DEF00007102. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

82. Annexed hereto as Exhibit 79 is a true and correct copy of an email chain between Plaintiff and Boris Komljenovic, dated 2/26/2008, which was produced to Plaintiff during discovery and bears the production number DEF00007102. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

83. Annexed hereto as Exhibit 80 is a true and correct copy of an email between Plaintiff and Jonathan Carp, dated 8/6/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007200. This document was also marked as part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

84. Annexed hereto as Exhibit 81 is a true and correct copy of an email chain between Plaintiff and Gregory Solometo, dated 1/2/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00007220 - DEF00007221. This document was also marked as Yenicay Deposition Exhibit 14 at the Deposition of Altan Yenicay, taken on May 19, 2010.

85. Annexed hereto as Exhibit 82 is a true and correct copy of an email chain between Plaintiff and Gregory Solometo, dated 1/2/2010, which was produced to Plaintiff during discovery and bears the production numbers DEF00007226 - DEF00007227.

86. Annexed hereto as Exhibit 83 is a true and correct copy of an email chain between Plaintiff and Cliff Titus, dated 1/21/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00007385 - DEF00007386.

87. Annexed hereto as Exhibit 84 is a true and correct copy of an email chain between Plaintiff and Deb Mitten, dated 10/22/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00007409 - DEF00007410.

88. Annexed hereto as Exhibit 85 is a true and correct copy of an email between Plaintiff and Melissa Crilley, dated 11/15/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007424. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

89. Annexed hereto as Exhibit 86 is a true and correct copy of an email between Plaintiff and Altan Yenicay, dated 3/26/2008, which was produced to Plaintiff during discovery and bears the production number DEF00007425.

90. Annexed hereto as Exhibit 87 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 12/5/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007672.

91. Annexed hereto as Exhibit 88 is a true and correct copy of an email between Plaintiff and Altan Yenicay, dated 12/17/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00007809 - DEF00007810.

92. Annexed hereto as Exhibit 89 is a true and correct copy of an email chain between Plaintiff and Altan Yenicay, dated 11/16/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007812 .

93. Annexed hereto as Exhibit 90 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 11/28/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00007829 - DEF00007841.

94. Annexed hereto as Exhibit 91 is a true and correct copy of an email between Plaintiff and Melissa Crilley, dated 4/9/2008, which was produced to Plaintiff during discovery and bears the production number DEF00007842.

95. Annexed hereto as Exhibit 92 is a true and correct copy of an email chain between Plaintiff and Jerry Lees, dated 11/2/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00007845 - DEF00007846.

96. Annexed hereto as Exhibit 93 is a true and correct copy of an email chain between Plaintiff and Young Kang, dated 10/23/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007947.

97. Annexed hereto as Exhibit 94 is a true and correct copy of an email between Plaintiff and Geoffrey Bernard, dated 4/9/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00007961 - DEF00007962.

98. Annexed hereto as Exhibit 95 is a true and correct copy of an email chain between Plaintiff and Monica Ramirez, dated 12/3/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007969.

99. Annexed hereto as Exhibit 96 is a true and correct copy of an email between David Zack and Plaintiff, dated 11/30/2007, which was produced to Plaintiff during discovery and bears the production number DEF00007977.

100. Annexed hereto as Exhibit 97 is a true and correct copy of an email chain between Plaintiff and Altan Yenicay, dated 11/16/2007, which was produced to Plaintiff during discovery and bears the production number DEF00008061.

101. Annexed hereto as Exhibit 98 is a true and correct copy of an email between Plaintiff and Ian Peacock, dated 12/5/2007, which was produced to Plaintiff during discovery and bears the production number DEF00008093.

102. Annexed hereto as Exhibit 99 is a true and correct copy of an email chain between Altan Yenicay and Plaintiff, dated 3/27/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008174.

103. Annexed hereto as Exhibit 100 is a true and correct copy of an email chain between Plaintiff and reneeshome@hotmail.com (Plaintiff's personal email address), dated

1/17/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00008178 - DEF00008181.

104. Annexed hereto as Exhibit 101 is a true and correct copy of an email between Plaintiff and Peter@intanamagement.com, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00008237 - DEF00008238.

105. Annexed hereto as Exhibit 102 is a true and correct copy of an email chain between Plaintiff and Ertan F. Yenicay, dated 3/13/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008262.

106. Annexed hereto as Exhibit 103 is a true and correct copy of an email between Plaintiff and Peter@intanamagement.com, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00008266 - DEF00008267.

107. Annexed hereto as Exhibit 104 is a true and correct copy of an email chain between Ian Peacock and Plaintiff, dated 11/13/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00008302 - DEF00008304.

108. Annexed hereto as Exhibit 105 is a true and correct copy of an email between Ian Peacock and Ellen Haas, dated 2/19/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008306.

109. Annexed hereto as Exhibit 106 is a true and correct copy of an email chain between Plaintiff and Monica Ramirez, dated 12/28/2007, which was produced to Plaintiff during discovery and bears the production number DEF00008308.

110. Annexed hereto as Exhibit 107 is a true and correct copy of an email chain between Plaintiff and Elaine Panichi, dated 11/21/2007, which was produced to Plaintiff during discovery and bears the production number DEF00008309. This document was also marked as

part of Defendant's Deposition Exhibit 17 at the Deposition of Plaintiff, taken on February 1, 2010.

111. Annexed hereto as Exhibit 108 is a true and correct copy of an email chain between Plaintiff and Altan Yenicyay, dated 1/17/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008334.

112. Annexed hereto as Exhibit 109 is a true and correct copy of an email chain between Ian Peacock and Melissa Crilley, dated 2/25/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008352.

113. Annexed hereto as Exhibit 110 is a true and correct copy of an email between Plaintiff and cgwon@libertyview.com, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00008364 - DEF00008365.

114. Annexed hereto as Exhibit 111 is a true and correct copy of an email chain between Plaintiff and Richard Baumann, dated 11/7/2008, which was produced to Plaintiff during discovery and bears the production number DEF00008441.

115. Annexed hereto as Exhibit 112 is a true and correct copy of an email chain between Robert Macchi and Plaintiff, dated 12/6/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00008449 - DEF00008450.

116. Annexed hereto as Exhibit 113 is a true and correct copy of an email chain between Ian Peacock and Plaintiff, dated 11/8/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00010409 - DEF00010410.

117. Annexed hereto as Exhibit 114 is a true and correct copy of an email chain between tsullivan and Plaintiff, dated 3/24/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00010434 - DEF00010435.

118. Annexed hereto as Exhibit 115 is a true and correct copy of an email chain between Plaintiff and Altan Yenicay, dated 1/3/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00010457 - DEF00010458.

119. Annexed hereto as Exhibit 116 is a true and correct copy of an email chain between Plaintiff and Gerry Domanski, dated 4/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00011951.

120. Annexed hereto as Exhibit 117 is a true and correct copy of an email chain between Plaintiff and Dominic Romano, dated 1/16/2008, which was produced to Plaintiff during discovery and bears the production number DEF00011961.

121. Annexed hereto as Exhibit 118 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 11/12/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00012064 - DEF00012065.

122. Annexed hereto as Exhibit 119 is a true and correct copy of an email between Plaintiff and Ian Peacock and Timothy Randall, dated 11/5/2007, which was produced to Plaintiff during discovery and bears the production number DEF00012077.

123. Annexed hereto as Exhibit 120 is a true and correct copy of an email chain between Richard Baumann and Plaintiff, dated 11/6/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00002468 –DEF00002469.

124. Annexed hereto as Exhibit 121 is a true and correct copy of an email chain between Plaintiff and Altan Yenicay, dated 12/17/2007, which was produced to Plaintiff during discovery and bears the production number DEF00012078.

125. Annexed hereto as Exhibit 122 is a true and correct copy of an email between Plaintiff and Altan Yenicy, dated 3/31/2008, which was produced to Plaintiff during discovery and bears the production number DEF00012280.

126. Annexed hereto as Exhibit 123 is a true and correct copy of an email chain between Plaintiff and Altan Yenicy, dated 4/8/2008, which was produced to Plaintiff during discovery and bears the production number DEF00012347.

127. Annexed hereto as Exhibit 124 is a true and correct copy of an email between Plaintiff and Altan Yenicy, dated 4/1/2008, which was produced to Plaintiff during discovery and bears the production number DEF00012426.

128. Annexed hereto as Exhibit 125 is a true and correct copy of an email between Plaintiff and Altan Yenicy, dated 3/31/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00012507 - DEF00012508. This document was also marked as Yenicy Deposition Exhibit 24 at the Deposition of Altan Yenicy, taken on May 19, 2010.

129. Annexed hereto as Exhibit 126 is a true and correct copy of an email chain between Plaintiff and Altan Yenicy, dated 12/31/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00012630 - DEF00012631. This document was also marked as Yenicy Deposition Exhibit 13 at the Deposition of Altan Yenicy, taken on May 19, 2010.

130. Annexed hereto as Exhibit 127 is a true and correct copy of an email chain between Plaintiff and Frank Boer, dated 7/18/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00012948 - DEF00012949.

131. Annexed hereto as Exhibit 128 is a true and correct copy of an email between Plaintiff and Timothy Randall, dated 8/13/2007, which was produced to Plaintiff during discovery and bears the production number DEF00012972. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

132. Annexed hereto as Exhibit 129 is a true and correct copy of an email chain between Peter J. Young and Plaintiff, dated 9/6/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013000 - DEF00013001.

133. Annexed hereto as Exhibit 130 is a true and correct copy of an email chain between Plaintiff and Robert Macchi, dated 8/1/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013048 - DEF00013049.

134. Annexed hereto as Exhibit 131 is a true and correct copy of an email between Plaintiff and Deb Mitten, dated 8/22/2007, which was produced to Plaintiff during discovery and bears the production number DEF00013056.

135. Annexed hereto as Exhibit 132 is a true and correct copy of an email chain between Plaintiff and Richard Baumann, dated 9/10/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013058 - DEF00013059.

136. Annexed hereto as Exhibit 133 is a true and correct copy of an email chain between Plaintiff and Jayne Tighe, dated 7/18/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013348 - DEF00013355.

137. Annexed hereto as Exhibit 134 is a true and correct copy of an email chain between Plaintiff and Robert Macchi, dated 7/17/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013401 - DEF00013402.

138. Annexed hereto as Exhibit 135 is a true and correct copy of an email chain between Plaintiff and Ian Peacock, dated 10/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013448 - DEF00013449.

139. Annexed hereto as Exhibit 136 is a true and correct copy of an email between Plaintiff and David Zack, with a copy to Elaine Panichi, dated 10/18/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013595.

140. Annexed hereto as Exhibit 137 is a true and correct copy of an email chain between Gregory Solometo and Plaintiff, dated 8/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013647 - DEF00013649.

141. Annexed hereto as Exhibit 138 is a true and correct copy of an email chain between Plaintiff and Jason Goodman, dated 9/6/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00013672 - DEF00013673.

142. Annexed hereto as Exhibit 139 is a true and correct copy of an email between Plaintiff and Adam Hartzell, dated 7/10/2007, which was produced to Plaintiff during discovery and bears the production number DEF00013738.

143. Annexed hereto as Exhibit 140 is a true and correct copy of an email chain between Plaintiff and Altan Yenicay, dated 8/10/2007, which was produced to Plaintiff during discovery and bears the production number DEF00014017. This document was also marked as Defendant's Deposition Exhibit 29 at the Deposition of Plaintiff, taken on February 1, 2010.

144. Annexed hereto as Exhibit 141 is a true and correct copy of an email chain between Jason Goodman and Plaintiff, dated 8/10/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00014060 - DEF00014062.

145. Annexed hereto as Exhibit 142 is a true and correct copy of an email between Plaintiff and Timothy Randall, dated 7/31/2007, which was produced to Plaintiff during discovery and bears the production number DEF00014154. This document was also marked as part of Defendant's Deposition Exhibit 24 at the Deposition of Plaintiff, taken on February 1, 2010.

146. Annexed hereto as Exhibit 143 is a true and correct copy of an email chain between Plaintiff and Monica Ramirez, dated 1/4/2008, which was produced to Plaintiff during discovery and bears the production number DEF00014498.

147. Annexed hereto as Exhibit 144 is a true and correct copy of an email chain between Plaintiff and Terry Flynn, dated 7/20/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00014506 - DEF00014511.

148. Annexed hereto as Exhibit 145 is a true and correct copy of an email chain between David Zack and Ian Peacock, dated 10/18/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00014654 - DEF00014658. This document was also marked as Defendant's Deposition Exhibit 18 at the Deposition of Plaintiff, taken on February 1, 2010.

149. Annexed hereto as Exhibit 146 is a true and correct copy of an email chain between Plaintiff and Monica Ramirez, dated 1/4/2008, which was produced to Plaintiff during discovery and bears the production number DEF00014685.

150. Annexed hereto as Exhibit 147 is a true and correct copy of an email between Ian Peacock and Cheuvreux's New York office distribution list, dated 3/6/2008, which was produced to Plaintiff during discovery and bears the production number DEF00014755.

151. Annexed hereto as Exhibit 148 is a true and correct copy of an email between reneeshome@hotmail.com (the Plaintiff's personal email address) and Plaintiff's work email address, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00014834 - DEF00014851.

152. Annexed hereto as Exhibit 149 is a true and correct copy of an email between reneeshome@hotmail.com (the Plaintiff's personal email address) and Plaintiff's work email address, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00014957 - DEF00014980.

153. Annexed hereto as Exhibit 150 is a true and correct copy of an email between reneeshome@hotmail.com (the Plaintiff's personal email address) and Plaintiff's work email address, dated 7/16/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00015039 - DEF00015070.

154. Annexed hereto as Exhibit 151 is a true and correct copy of an email chain between Plaintiff and Matthew McClean, dated 3/27/2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00015305 - DEF00015308.

155. Annexed hereto as Exhibit 152 is a true and correct copy of an email chain between Robert Macchi and Plaintiff, dated 12/6/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00015832 - DEF00015834.

156. Annexed hereto as Exhibit 153 is a true and correct copy of an email chain between Melissa Crilley and Krystal Murray, dated 3/10/2008, which was produced to Plaintiff during discovery and bears the production number DEF00016154.

157. Annexed hereto as Exhibit 154 is a true and correct copy of an email chain (with attachment) between Plaintiff and skravitz@lmppg.com, dated 9/7/2007, which was produced to

Plaintiff during discovery and bears the production number DEF00016671. This document was also marked as Defendant's Deposition Exhibits 10A and 10B at the Deposition of Plaintiff, taken on February 1, 2010.

158. Annexed hereto as Exhibit 155 is a true and correct copy of an email chain between Plaintiff and reneeshome@hotmail.com (the Plaintiff's personal email address), dated 11/29/2007, which was produced to Plaintiff during discovery and bears the production number DEF00016693.

159. Annexed hereto as Exhibit 156 is a true and correct copy of an email chain between Plaintiff and Altan Yenicy, dated 2/1/2008, which was produced to Plaintiff during discovery and bears the production number DEF00016695. This document was also marked as Yenicy Deposition Exhibit 18 at the Deposition of Altan Yenicy, taken on May 19, 2010.

160. Annexed hereto as Exhibit 157 is a true and correct copy of an email chain between Philip Puccio and dhegarty@bloomberg.net, dated 7/19/2007, which was produced to Plaintiff during discovery and bears the production numbers DEF00024563.

161. Annexed hereto as Exhibit 158 is a true and correct copy of an email between kbeydoun1@bloomberg and Khaled Beydoun, dated 7/23/2007, which was produced to Plaintiff during discovery and bears the production number DEF00026984.

162. Annexed hereto as Exhibit 159 is a true and correct copy of an email chain between Richard Leighton and Frank Boer, dated 7/20/2007, which was produced to Plaintiff during discovery and bears the production number DEF00030073.

163. Annexed hereto as Exhibit 160 is a true and correct copy of Plaintiff's trip report for January 2008, which was produced to Plaintiff during discovery and bears the production numbers DEF00031575 - DEF00031576.

164. Annexed hereto as Exhibit 161 is a true and correct copy of Plaintiff's offer letter from Citigroup, dated March 1, 2005. Citigroup produced this document to Cheuvreux pursuant to subpoena, dated April 2, 2010, and it was marked as Defendant's Citi Deposition Exhibit 7 at the Rule 30(b)(6) deposition of Citigroup, taken on July 16, 2010.

165. Annexed hereto as Exhibit 162 is a true and correct copy of emails concerning Plaintiff, produced by Citigroup to Cheuvreux pursuant to subpoena, dated April 2, 2010. Citigroup authenticated these emails at its Rule 30(b)(6) deposition, taken on July 16, 2010, and stipulated that they are business records of Citigroup. These emails were collectively marked as Defendant's Citi Deposition Exhibit 6.

166. Annexed hereto as Exhibit 163 is a true and correct copy of emails concerning Plaintiff or between Plaintiff and Citigroup employees, produced by Citigroup to Cheuvreux pursuant to subpoena, dated April 2, 2010. Citigroup authenticated these emails at its Rule 30(b)(6) deposition, taken on September 17, 2010, and stipulated that they are business records of Citigroup. These emails were collectively marked as Defendant's Citi Deposition Exhibit 9.

167. Annexed hereto as Exhibit 164 is a true and correct copy of a note dated April 2, 2008, which was produced by Plaintiff to Defendant during discovery. This document was also marked as Defendant's Deposition Exhibit 5 at the Deposition of Plaintiff, taken on February 1, 2010.

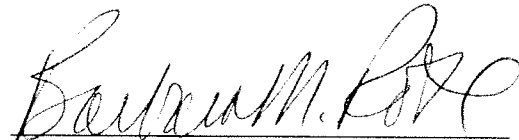
168. Annexed hereto as Exhibit 165 is a true and correct copy of an email chain between Altan Yenicay and Plaintiff, dated 11/14/2007, which was produced to Plaintiff during discovery and bears the production number DEF00008446.

169. During discovery, Plaintiff's counsel, Matthew T. Schatz, Esq., represented to the undersigned counsel that Ms. Mihalik could not recall which hospital emergency room she

visited on or about September 4, 2007. Likewise, Plaintiff did not produce any documents confirming that Ms. Mihalik visited a hospital emergency room on that date.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 1, 2010



BARBARA M. ROTH